THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 12408 of 1996

DATED: 27.02.2006

Between:

M.Padmakar and others.

... PETITIONERS

AND

The Joint Collector and others.

... RESPONDENTS

ORDER:

The petitioners were issued Occupancy Right Certificates under Section 4 of the Andhra Pradesh (Telanga Area) Abolition of Inams Act, 1955 (for short 'the Act') in respect of the land, admeasuring 68.12 guntas, in Survey Nos.60, 67, 68, 69 and 92 of Raipol Village, Ibrahimpatnam Mandal, Ranga Reddy District, by the Revenue Divisional Officer, 2nd respondent herein, through proceedings, dated 29.08.1989. Aggrieved thereby, Respondents 3 to 8 filed an appeal under Section 24 of the Act before the Joint Collector, Ranga Reddy District, 1st respondent herein. Through his order, dated 01.08.1995, the 1st respondent

allowed the appeal and set aside the proceedings, dated 29.08.1989, through which the petitioners were issued the Occupancy Right Certificates. The petitioners challenge the same.

The learned counsel for the petitioners submits that the appeal preferred by respondents 3 to 8 was only in respect of the land in Survey No.92, admeasuring 16.37 gutnas, and despite the same, the 1st respondent has set aside the proceedings, dated 29.08.1989, in respect of the land in other Survey Numbers also. He contends that the order under challenge deserves to be rectified to that extent.

The learned Government Pleader for Revenue, on the other hand, submits that the 1st respondent noticed a serious irregularity in the proceedings, dated 29.08.1989, and in that view of the matter, he set aside and remanded the same to the 2nd respondent.

Notices sent to respondents 3 to 8 were returned unserved.

Though the petitioners have urged several contentions, touching on the entitlement of claims made by respondents 3 to 8 on merits, this Court is not inclined to entertain the same. In fact, the 1st respondent did not undertake any adjudication on the merits of the matter, and he has remanded the matter to the 2nd respondent, for fresh adjudication.

From a perusal of the memorandum of appeal preferred by respondents 3 to 8, a copy of which is placed before this Court, it is evident that they restricted their claim to 16.37 guntas of land in Survey No.92 of Raipol Village, Ibrahimpatnam Mandal. In that view of the matter, the 1st respondent ought not to have interfered with the order, dated 29.08.1989, insofar as it related to the land in Survey Nos.60,67 68 and 69.

For the foregoing reasons, the Writ Petition is allowed and it is directed that the order of remand, dated 01.08.1995, passed by the 1st respondent, shall be restricted to the land in Survey No.92 of Raipol Village, Ibrahimpatnam Mandal, Ranga Reddy District. This order shall not be treated as a pronouncement on the validity of the Occupancy Right Certificates issued in respect of the land in Survey Nos.60,67, 68 and 69 of Raipol Village, Ibrahimpatnam Mandal, Ranga Reddy District, if they are the subject matter of any other proceedings. There shall be no order as to costs.

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27.02.2006

Jsu